_._   **FIRE SAFETY BOND MEASURE**
City of Fremont Special Municipal Consolidated Election, Tuesday, November 5, 2002 for the
City Sponsored Fire Safety Bond Measure Relating to General Obligation Bonds

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Executive Summary: On June 25, 2002, the City Council set in motion the general municipal consolidated election for Tuesday, November 5, 2002 by passing Resolution No. 9803. On July 2 an ordinance was introduced, with final adoption scheduled for July 9, ordering that the Fire Safety Bond be submitted to the voters at that election. The proposed ballot language was included in that ordinance. If the ordinance is adopted by two-thirds vote of the members of the Council, it will go into effect immediately, and assuming its passage.

There are two remaining issues that require Council direction. First, Council needs to determine the process for submission of an argument in favor of the measure, and second Council needs to consider a resolution requesting the services of the Registrar of Voters of Alameda County to conduct the election and directing the City Attorney to submit an impartial analysis to the City Clerk.

Determine if the City Council has an interest in authoring an argument in favor of the ballot measure for the Fire Safety Bond Measure. The Elections Code provides for arguments to be filed with the City Clerk as the Elections Official of no more than 300 words each for and against any ballot measure to be included in the Voters Sample Ballot. The arguments can be authored by a maximum of five eligible voters. The Code also requires that only one argument for and one argument against for each ballot measure to be accepted by the Elections Official and provides for an orderly process in determining who is eligible to submit a statement. If more than one argument for or more than one argument against the measure is received by the deadline, per the Elections Code, the City Clerk must select only one argument for and one argument against, giving preference and priority in the following order to:

(a)   *The legislative body, or member or members of the legislative body authorized by that body.*
(b)   *The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.*
(c)   *Bona fide associations of citizens.*
(d)   *Individual voters who are eligible to vote on the measure.*

The City Council has several options. It may: 1) author an argument in favor of the measure as a whole body; 2) authorize selected members of the Council to do so and then the full Council can sign the argument; 3) authorize up to two Councilmembers to author and sign and have three other eligible voters who are proponents sign; or 4) choose to opt to have others author the argument, in which case the second priority position for acceptance of the argument is sponsors or proponents of the measure.

If the City Council agrees to author an argument as a whole body, this could be accomplished in several ways in light of the Brown Act. The Council could 1) write the argument as a committee of five in an open session; 2) delegate two members to prepare the argument and present the draft to the whole Council in an open session, or 3) authorize up to two Councilmembers to write the argument and then the full Council would sign, in which case, it would not be necessary to return to the whole council at a regular Council meeting. The arguments must be submitted to the City Clerk by 5:00 p.m. on August 2, 2002 and any rebuttals must be submitted by 5:00 p.m. on August 12, 2002.

RECOMMENDATION: If the Council adopts the Ordinance on second reading July 9, staff recommends that Council:

1. Determine if Council, in whole or part, will author a measure argument.
2. Adopt a resolution requesting the Alameda County Registrar of Voters conduct the Special Election on behalf of the City of Fremont and directing the City Attorney to prepare the Impartial Analysis for the measure.